IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

TUESDAY, THE 27TH FEBRUARY 2007 / 8TH PHALGUNA 1928

WP(C).No. 21868 of 2004(C)

PETITIONER:

P.S.SASI, PUTHENVEETTIL,
CHITTATTUKARA, P.O.VADAKKEKKARA-683522,
N.PARUR.

BY ADV. SRI.M.V.BOSE
SRI.VINOD MADHAVAN
SMT.NISHA BOSE

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED
BY THE CHIEF SECRETARY TO GOVERNMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE DISTRICT SOCIAL WELFARE OFFICER,
DISTRICT SOCIAL WELFARE OFFICE,
COLLECTORATE, ERNAKULAM.

BY GOVT. PLEADER SHRI.P.NANDAKUMAR.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 27/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No.21868 of 2004.

Petitioner's Exhibits:-

P1: Copy of certificate for physically Handicapped person dated 26-5-1993.

P2: Copy of the Discharge Certificate dtd.20-11-1999.

P3: Copy of the representation dtd.8-12-2003 before the Hon'ble Chief Minister.

P4: Copy of the the intimation dtd.26-2-2004 from Kerala Legislative Secretariat.

P5: Copy of letter from Opposition Leader dtd.30-6-2003.

P6: Copy of the letter dtd.18-7-2003 from Hon'ble Minister P.K.Kunhalikutty to Opposition Leader.

P7: Copy of News Paper report.

P8: Copy of report appeared in Kerala Kaumudi dtd.24-3-2004.

P9: Copy of representation dtd.26-3-2004 from the petitioner.

Respondents' Exhibits:- Nil.

-// true copy //-

P.A. To Judge.

kvs/-

K.K.DENESAN, J.

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WP(C).No.21868 of 2004-C.
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Dated this the 27th day of February, 2007.

J U D G M E N T

The petitioner, admittedly, is a physically challenged person. He was appointed as per Rule 9(a)(i) of K.S. & S.S.R. for a period of 179 days. His date of commencement of service falls between 15-8-1998 and 15-8-1999. To complete the full period of 179 days, he had to work beyond 15-8-1999. However, he is entitled to the benefit of G.O.(P) No.33/2005/SWD, dated 5-3-2005 as construed by the Division Bench in the judgment in WA.No.1601 of 2006. The ratio of the above decision squarely applies to the facts of this case. It is so declared.

2. Those continuing either on the basis of the orders of this Court or otherwise, shall be allowed to continue and their services regularised by passing appropriate orders. In the case of the petitioner whose service has been terminated, the Government

shall take immediate steps to reinstate him in service and regularise his service. This shall be done within two months from the date of receipt of a copy of this judgment.

The writ petition is allowed as above.

K.K.DENESAN, JUDGE.

kvs/-